

OLENDER REPORTING, INC.
1100 Connecticut Avenue N.W., #810, Washington, D.C. 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1

2 BOARD MEMBERS PRESENT

3 DONOVAN ANDERSON, CHAIRMAN

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 JAKE PERRY, BOARD MEMBER

8 MAFARA HOBSON, BOARD MEMBER

9

10 ALSO PRESENT:

11 ZACHARY SHAPIRO

12 STEPHEN WHALEN

13

1 P R O C E E D I N G S

2 SHOW CAUSE HEARING (STATUS)

3 CHAIRPERSON ANDERSON: Good morning
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please note that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 Section 2574 of the Open Meetings Act.

10 I'd like to introduce the members of the
11 board. Today is November 16, 2016. I would like
12 to introduce members of the Board with us today.
13 To my immediate right is Mr. Jake Perry, to my
14 far left is Ms. Mafara Hobson, to her right is
15 Mr. Mike Silverstein and to my immediate left is
16 Mr. James Short. My name is Donovan Anderson and
17 I am the Chairman of the Board. The Board has
18 five members in attendance for the conduct of
19 business today and that constitutes a quorum.

20 I would like to mention two things before we
21 first get started. First of all, if you have any
22 electronic devices, pagers, cells phones or such,

1 please make certain that they are turned off to
2 avoid any interruption of the proceedings.

3 Second, there is a piece of paper on each
4 table. When you come forward as your case is
5 called, please take a seat at the table and
6 please sign in. This is to ensure the correct
7 spelling of your name for the record.
8 Additionally, when you introduce yourself for the
9 record, please spell your name aloud for the
10 court reporter.

11 I will note that the approximate time is 9:49
12 a.m. and I apologize for our tardiness today but
13 because I know that we have a very light schedule
14 today, so I do apologize for tardiness for not
15 starting at 9:30 for the parties who were here at
16 9:30.

17 Our first case is a show cause hearing
18 (status), case #16-CC-00099, Dean & Deluca,
19 license #18083. Will the parties please approach
20 and identify themselves for the record, please?

21 MR. SHAPIRO: Thank you and good morning,
22 Zachary Shapiro Assistant Attorney General for

1 the District of Columbia.

2 CHAIRPERSON ANDERSON: Good morning, Mr.
3 Shapiro.

4 MR. WHALEN: Good morning, Stephen Whalen,
5 legal representative for Dean & Deluca.

6 CHAIRPERSON ANDERSON: Good morning, Mr.
7 Whalen. I see your client is not here today.

8 MR. WHELAN: That's correct. The owners of
9 Dean & Deluca are not local and being that we had
10 a preliminary matter to present this morning, I
11 did not ask any of them to attend with me this
12 morning.

13 CHAIRPERSON ANDERSON: Okay, that's fine.
14 Are there any preliminary matters in this case?

15 MR. SHAPIRO: Yes, Mr. Chairman, there is an
16 offer in compromise.

17 CHAIRPERSON ANDERSON: And what is the offer
18 in compromise?

19 MR. SHAPIRO: It is a \$5000 fine payable in
20 30 days for charge #1. Also for charge #1 there
21 is a 10-day suspension, four of which are served,
22 six of which will be stayed for one year. The

1 four days served are December 5, 2016, December
2 6, 2016, December 7, 2016, and December 8, 2016.
3 There is also alcohol awareness training that
4 must be completed within 90 days for charge #1
5 and charge #2 will be dismissed.

6 CHAIRPERSON ANDERSON: What period of time
7 for the training to occur?

8 MR. SHAPIRO: 90 days, Mr. Chairman.

9 CHAIRPERSON ANDERSON: It is my understanding
10 that there is an offer in compromise of a \$5000
11 fine payable in 30 days for charge #1, with a 10-
12 day suspension, four days are served which are
13 December 5, 6, 7, 8 of 2016 and that six days
14 will remain for a year. Alcohol awareness
15 training will be done within 90 days and charge
16 #2 will be dismissed. Is this your
17 understanding, sir, of the offer in compromise?

18 MR. WHELAN: Yes, it is.

19 CHAIRPERSON ANDERSON: Did you clearly
20 explain to your client that by accepting an offer
21 in compromise you're giving up their right to a
22 hearing?

1 MR. WHELAN: Yes, I did and they understand
2 that.

3 CHAIRPERSON ANDERSON: And do they also
4 understand that they are giving up their right to
5 appeal this matter?

6 MR. WHELAN: Yes.

7 CHAIRPERSON ANDERSON: And December 5, 6, 7,
8 8 -- are these days the establishment is normally
9 open?

10 MR. WHELAN: Yes.

11 CHAIRPERSON ANDERSON: Fine, all right, thank
12 you. I make a motion, then, that the offer in
13 compromise of a \$5000 fine payable in 30 days for
14 charge #1, with a 10-day suspension, four days
15 served (the four days served are December 5, 6,
16 7, and 8) and that alcohol awareness training be
17 done within 90 days and that charge #2 will be
18 dismissed. Is there a second?

19 MR. SHORT:

20 CHAIRPERSON ANDERSON: Mr. Short has seconded
21 the motion. Any discussion by any members?

22 MR. ALBERTI: May I ask a question?

1 CHAIRPERSON ANDERSON: Mr. Alberti.

2 MR. ALBERTI: Mr. Shapiro, we're dismissing
3 the second charge which was failure to adequately
4 ascertain the age. Can I ask why? I'm always
5 asking why.

6 MR. SHAPIRO: To be honest with you, Mr.
7 Alberti, this was not my case so it wasn't my
8 decision to be made so I don't want to speak out
9 of turn about decisions that were made by someone
10 else.

11 MR. ALBERTI: Okay. Well, I would ask that
12 in the future

13 you ask your fellow attorneys to put those in
14 the notes.

15 MR. SHAPIRO: Understood.

16 MR. ALBERTI: I think it's important to the
17 proceedings that those types of questions are
18 asked, and that we have that information.

19 MR. SHAPIRO: Agreed. Is that it?

20 CHAIRPERSON ANDERSON: Are there any other
21 questions by any other board members? Hearing
22 none, all those in favor, say aye. (Chorus of

1 ayes.) All those opposed?

2 MR. ALBERTI: Opposed.

3 CHAIRPERSON ANDERSON: The matter passed 4-1
4 with Mr. Alberti in opposition. Thank you.

5 MR. SHAPIRO: Thank you.

6 MR. WHELAN: Thank you and have a great
7 holiday.

8 CHAIRPERSON ANDERSON: You too. Thank you,
9 sir.

10

11 (Whereupon, the above-entitled matter was
12 concluded.)

13